

**FILED**

January 12, 2022

UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS  
 DEL RIO DIVISION

CLERK, U.S. DISTRICT COURT  
 WESTERN DISTRICT OF TEXAS  
 By: SAJ  
 Deputy

|                          |   |                                     |
|--------------------------|---|-------------------------------------|
| UNITED STATES OF AMERICA | § | CAUSE NO.: <b>DR-22-CR-00052-AM</b> |
|                          | § |                                     |
|                          | § | <b><u>INDICTMENT</u></b>            |
| v.                       | § |                                     |
|                          | § | [VIO: COUNT ONE: 18 U.S.C. §        |
|                          | § | 2252A(a)(5)(B), Possession of Child |
| JESUS GAYTAN III         | § | Pornography.]                       |
|                          | § | <b>FORFEITURE</b>                   |

THE GRAND JURY CHARGES:

COUNT ONE  
 [18 U.S.C. § 2252A(a)(5)(B)]

On or about December 17, 2021, in the Western District of Texas, Defendant,

JESUS GAYTAN III,

knowingly possessed material, specifically a Black iPhone 11 (serial# DX3FJJ9NN72J, model # A2111) cell phone, which contained child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), which had been shipped and transported using any means and facility of interstate and foreign commerce, and was produced using materials that had been mailed, shipped and transported in and affecting interstate and foreign commerce, including by computer, all in violation of Title 18, United States Code, Section 2252A(a)(5)(B)

**NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE**  
**[See FED. R. CRIM. P. 32.2]**

**I.**  
**Sexual Exploitation of Children Violations and Forfeiture Statutes**  
**[Title 18 U.S.C. § 2252A(a)(5)(B),**  
**subject to forfeiture pursuant to Title 18 U.S.C. § 2253(a)]**

As a result of the foregoing criminal violation set forth in Count One, the United States gives notice to the Defendant of its intent to seek the forfeiture of property, including any items listed below, upon conviction and as a part of sentence pursuant TO FED. R. CRIM. P. 32.2 and Title 18 U.S.C. § 2253(a), which states:

**§ 2253. Criminal forfeiture**

**(a) Property subject to criminal forfeiture.**—A person who is convicted of an offense under this chapter involving a visual depiction described in section . . . 2252A . . . of this chapter . . . shall forfeit to the United States such person's interest in—

- (1) any visual depiction described in section 2251 . . . of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;
- (2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and
- (3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.


This Notice of Demand for Forfeiture includes but is not limited to the property described below.

**Black iPhone 11, model A2111, s/n: DX3FJJ9NN72J**

A TRUE BILL

FOREPERSON

ASHLEY C. HOFF  
United States Attorney

By:   
REX G. BEASLEY  
Assistant United States Attorney